

DECISION

BEFORE THE CITY OF SACRAMENTO PARKS AND RECREATION COMMISSION

In re the Appeal of the Decision by the Director of the Department of Transportation to Remove Two London Plane Street Trees Located at 801 and 920 K Street in Sacramento, California

BACKGROUND

1. Sacramento City Code section 12.56.120 provides the opportunity for any person who objects to the removal of a street to meet personally with the Director of Transportation to review the permit application or the proposed work, and that any person aggrieved by the director's decision may appeal such decision to the Parks and Recreation Commission, or to the Planning Commission if associated with a discretionary development entitlement.
2. On May 25, 2011, Mr. Nathan Jacobsen met with the Director of Transportation regarding the department's decision to remove two London plane street trees located at 801 and 920 K Streets associated with the "Cars on K Street" projects.
3. On June 7, 2011, Director Jerry Way issued his decision to support removal of the trees based on engineering design standards, minimal impacts to infrastructure including existing street trees, and engineering judgment exercised by the entire project team. Physical construction constraints such as hollow sidewalks, proximity to other street trees, and the permission and potential cost to relocate adjacent infrastructure belonging to the Sacramento Regional Transit Light Rail system and the Sacramento Municipal Utility District were also mentioned.
4. On June 15, 2011, Mr. Jacobsen appealed the decision to the Parks and Recreation Commission stating the tree removals would not create additional space beyond that which exists at adjacent areas of K Street; removing the trees would not create substantially more space for passenger drop off areas, and that trees have been removed from the K Street area making it relevant to preserve the remaining trees.
5. The Parks and Recreation Commission held a de novo appeal hearing on July 14, 2011 at a special meeting. The hearing was conducted pursuant to the requirements of Chapter 2.62 of the Sacramento City Code and the Rules and Procedures for Conducting Administrative Hearings adopted by the Parks and Recreation Commission.

FINDINGS

Based upon the testimony, evidence and other matters in the record of the appeal, the Parks and Recreation Commission finds and decides as follows:

- A. At all times relevant to the appeal, the two trees do qualify as "City street trees" as defined in Sacramento City Code Section 12.56.020.
- B. The removal of the trees is warranted due to the following factors:
1. The trees are not heritage trees, nor do they meet the minimum trunk circumference standards as defined in Sacramento City Code Section 12.64.020.
 2. The City of Sacramento made an insufficient case the project design requires removal of the two street trees, however, the City of Sacramento has the discretion to remove the trees.
 3. The removal of the two street trees should be mitigated by planting at least two new trees in the project area.
 4. Verification is needed by the City of Sacramento's Department of Transportation that no alternative design of the "Cars on K Street" project is possible that would retain the two street trees.

DECISION

1. For the above stated reasons, the appeal is denied.
2. This is a final decision. Judicial review of this decision is subject to review within the time limits set forth in Code of Civil Procedure Section 1094.6.



Jonathan Rewers, Chair
Parks and Recreation Commission

7/28/2011

Date